

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

STELLA ELLIS

PLAINTIFF

vs.

CAUSE NO. 3:15-CV-123-MPM-SAA

**KENNETH WHITE, DEAN POYNER,
JUSTON ROBERTSON, TERRY GRIFFIN,
GREG POLLAN, CALHOUN COUNTY SHERIFF'S
DEPARTMENT, EARNEST FOX,
J.B. ROGERS, JR., GWIN LONGEST,
BARNEY J. WADE, TONY MORGAN,
CALHOUN COUNTY SUPERVISORS,
LYNN ROGERS, HON. JUDGE JIMMY VANCE,
HON. JUDGE MARK FERGUSON,
CALHOUN COUNTY**

DEFENDANTS

ORDER

THIS COURT came to consider an Omnibus Motion by Defendants [Doc # 26], which has been properly joined by Plaintiff, and being advised in the premise, finds that the requested relief is well taken and **ORDERS AS FOLLOWS:**

1. Defendants' pending motion [Docket Entry 8] is hereby dismissed as moot with without prejudice.

2. The following Defendants shall stand dismissed without prejudice: **CALHOUN COUNTY BOARD OF SUPERVISORS** [official capacity defendant], **FOX, ROGERS, MORGAN, LONGEST, WADE** [current members of the Calhoun County Board of Supervisors, sued individually and as duplicate official capacity defendants], **CALHOUN COUNTY JUSTICE COURT JUDGE MARK FERGUSON** [sued in his official capacity], Defendants **POYNER, ROBERTSON, GRIFFIN** [Calhoun County Sheriff's Deputies at the time of arrest] and **CALHOUN COUNTY SHERIFF'S DEPARTMENT** [not a proper entity under 42 U.S.C. §1983].

3. Plaintiff desires to maintain her claims against **SHERIFF GREG POLLEN** [sued in his individual and official capacities], **CALHOUN COUNTY JUSTICE COURT JUDGE JIMMY VANCE** [sued in his individual capacity], **CALHOUN COUNTY DEPUTY SHERIFF KENNETH WHITE** [sued in his individual capacity], **CALHOUN COUNTY JAIL ADMINISTRATOR LYNN ROGERS** [sued in his individual capacity], and **CALHOUN COUNTY**. Defendants are in agreement with this retention and classification of the remaining Defendants. It is hereby ordered that these remaining defendants shall answer within (10) days of entry of this order.

SO ORDERED this 18th day of May, 2016.

/s/ MICHAEL P. MILLS
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI